

**Minutes of the Regular Planning Board Meeting  
Monday, May 12, 2008**

1. CONVENE: 7:06 p.m.
2. FLAG SALUTE: Board member Lynch.
3. ROLL CALL: President Cook, Vice President Kohlstrand, Board Members Cunningham, Ezzy Ashcraft, Lynch and McNamara.

Also present were Andrew Thomas, Planning Services Manager, Cynthia Eliason, Planning Manager; City Attorney Donna Mooney; Althea Carter, Executive Assistant.

5. AGENDA CHANGES AND DISCUSSION:

President Cook suggested that because of the standing-room-only crowd, that Item 9-A be heard before the rest of the agenda.

Board member Cunningham moved to hear Item 9-A before the rest of the agenda.

Board member Ezzy Ashcraft seconded the motion, with the following voice vote – 6. Noes: 0 Absent: 0. The motion passed.

9. REGULAR AGENDA ITEMS:

- 9-A. PA04-0002/R04-0001/DA04-00001 – Harbor Bay Isle Associates – Harbor Bay Village VI (1855 North Loop Road).** Consider the Final Environmental Impact Report (FEIR), the General Plan Amendment and Rezoning for the proposed Harbor Bay Village VI residential development. The FEIR consists of the Draft Environmental Impact Report and the Response to Comments document. The project consists of an amendment to the Alameda General Plan Land Use Diagram from Business Park to Medium Density Residential and a change to the General Plan Land Use Element Text and Tables for the potential construction of approximately 104 residential units on the 12.2 acre property. A rezoning from “C-M-PD” (Commercial-Manufacturing District Planned Development) to “R-2-PD” (Medium Density Residential Planned Development) will also be considered. (AT)

Mr. Thomas presented the staff report, and displayed a PowerPoint presentation on the overhead screen. Mr. Thomas noted that staff had received significant public comment on this project, and that the overwhelming majority of the comments have been in opposition to the project. Staff recommended that the Planning Board hold a public hearing and adopt the draft Resolution (Attachment E) denying the proposed General Plan and Zoning amendments. He recommended that the Chair call for final public comments by 10:30 p.m. so the Board would have a sufficient opportunity to comment on the proposal.

Mr. Tim Hoppen, applicant, President, Harbor Bay Isle Associates, summarized the background and layout of this proposed project. He noted that their past projects had been notable because of their quality, and believed that Harbor Bay Village VI would be no exception and that it would create a compatible residential neighborhood tucked in between three existing school sites and adjacent to existing homes.

Mr. Hoppen noted that several concerns and issues had been raised. For example, CLASS stated that approval of the Village VI project would compromise the settlement agreement with the Port of Oakland, and create an environment where jet aircraft would fly over rooftops. He noted that their investigation had determined that would not be the case. He added that the settlement agreement would stay in full force and effect, and after speaking with both fixed based operators at Oakland Airport's North Field, Kaiser Air and Business Jet Center, along with pilots, they learned that Village VI would have no effect on departure protocols. He noted that they had asked CLASS's representatives to point out to them exactly where in the two settlement agreements with the Port there were any provision to make the City's approval of Village VI a violation or breach of those settlement agreements, or permit the Port to terminate the agreements and walk away from the commitments to work cooperatively with the City and with CLASS on noise abatement procedures. He noted that CLASS had never done so. He noted that they also asked CLASS for evidence that the jet aircraft operators or pilots were poised to increase flights out of North Field out of Alameda homes if the City approved Village VI. He noted that, too, had not been furnished. He asked that the Planning Board request CLASS's representatives for specific evidence to back up their claims.

Mr. Hoppen noted that Peet's stated that the approval of Village VI will impact their operations, and added that Peet's was aware of the Village VI development prior to their decision to come to Harbor Bay. He noted that they created complete disclosure documents and easements to provide the necessary protections, and agreed to consider additional protections through a development agreement so that Peet's and all businesses in the park would not be impacted by this development. He looked forward to hearing detailed testimony from Peet's experts on how this project will impact their business operations.

Mr. Hoppen noted that a group led by PK Consultants brought forth a variety of concerns and questions whether the original fiscal impact report was valid. Based on that information, the applicant had the firm of Economic Planning Systems (EPS) contact the appropriate people and agencies in order to update their report. He noted that their findings were highlighted in the applicant's documentation, he would like them to highlight some of the key points that had been raised that he believed demonstrated a substantial fiscal benefit to the City, compared to a buildout of business park uses and/or private schools.

Mr. Jason Moody, Economic Planning Systems (EPS), noted that their findings incorporated market information as of 2008. He noted that they spoke with the Police Department and the Fire Department to get a better understanding of the impact on their public services. He noted that both the Police Department and the Fire Department confirmed what they stated in 2004, that the impact on their services would be relatively negligible. They also saw no

difference between the impact if the use stayed under the current zoning and developed as a business park, versus a residential development. He noted there would be no consequential difference in the cost of services. He believed that the residential use was substantially more valuable on a per square foot basis for the developer, and therefore, the assessed value will be higher. He added that the property taxes to the City would also be higher. He noted that the residential value was enhanced by having higher square footage, which would generate an assessed value of approximately \$87 million, versus \$52 million of commercial. Taxed at 1%, the \$35 million difference would yield an additional \$350,000 in revenues. He noted that the higher turnover for residential meant the values would continue to keep pace more than commercial uses. He noted that the residential use would come to market sooner than industrial use. He noted that residents would spend more in the City than employees who come to Alameda to work.

Mr. Daniel Reedy, land use attorney for applicant, noted that he had prepared his original remarks to go through the draft resolution in the staff report, and he now understood that has since been changed. He had read the new response to comments on the FEIR, and he understood there would be a hearing on the adequacy of the EIR at this hearing. He noted that while they did not agree with every word in either the DEIR or the response to comments, they did concur with staff's recommendation that the FEIR adequately addressed the environmental impacts of the proposed project, and was reasonably complete. He did not believe there was an issue of continuing to keep going on the EIR in gathering more responses or comments. Regarding the merits of the project, they respectfully differed from staff's analysis of the General Plan policies, and had submitted what they perceived to be the pertinent General Plan policies. He suggested that some of the policies focused upon by Mr. Thomas were aimed at the City commenting on the operations of the airport, as opposed to the City's own business of land use designation. He noted that pages 4 to 6 of their summary also addressed Policy 7.2.j: "New or replacement residential development *shall* be allowed between the 65 decibel CNEL settlement and the 70 decibel CNEL contour on Bayfarm Island, if the property is subject to a noise easement."

Mr. Reedy noted that the City Council acknowledged in the October 9, 2007, settlement agreement that the Village VI proposed to "only a minor amendment of the existing and proposed approvals for the buildout of Harbor Bay Isle permitted under the development agreement." He noted that they did not see it as a major challenge to policies in the General Plan that linked to the development agreement. He noted that draft Finding #2 missed the General Plan's Table 8.1 (Land Use Compatibility Standards for Community Noise Environments), and that residential land use was classified as "conditionally acceptable between the 65 CNEL and 70 CNEL contours." He noted that all that was required was a detailed analysis of noise reduction requirements, and noise insulation features must be incorporated into the houses. He noted that those conditions will be met in Village VI.

Mr. Reedy noted that the question had been raised whether the Village VI project will impair the City's ability to attract new businesses to the business park. He noted that the parcels ringed by North Loop Road were already developed, with the exception of Peet's Expansion Parcel. He noted that it was significant that in July and August 2005, a majority of the property owners in the business park, those with existing businesses and the

partnerships that owned the then-vacant parcels in the North Loop area and all the land from North Loop westward to the Ferry Terminal, voted in writing in favor of an amendment to the business park's CC&Rs that allow the deannexation of the project property from the business park to allow the Village VI project to go forward, subject to certain conditions that the project sponsor put in, such as the \$500,000 designated for road improvements of Harbor Bay Parkway, a sound wall, a buffer, and noise mitigation easements. He believed that if those property owners were genuinely concerned about the future land use compatibility issues, or that they would not be able to sell that land and develop them commercially in the future, they would not have voted for the amendment to the business park CC&Rs that allowed Village VI to go forward.

Mr. Reedy noted that the objective, factual findings would be found in the updated EPS report. He noted that any ridership was important to the Ferry, and that the City Council made the ongoing protection and enhancement of the ferry service an important City policy. He believed there would be a special incentive for the homeowners because their homeowners dues would contain a specific subsidy of the ferry. He noted that was not the case in any other neighborhood in Harbor Bay Isle, or elsewhere on Bayfarm Island. He believed the residents who paid that subsidy would be more inclined to use it; the service and the shuttle service to the ferry would be marketed to them. They listed several housing benefits in their report, such as the \$1 million voluntary contribution to the City. He noted that ABAG recently gave its allocation for market-rate housing for the City, with 843 market-rate homes. He noted that this project would help contribute to that number. He noted that it would improve the values of existing nearby homes. He believed it would increase opportunities for home ownership for Alameda residents, including current renters, without having to move out of the City.

Mr. Reedy noted that under CEQA, if the Port goes forward with projects that have an adverse impact on the City, the City would protest those projects, even if it had approved a housing project on that site. He noted that the February 21, 2006 letter sent from the President of the Port Commission to Mayor Johnson regarding agreement that the Port entered into with HBIA regarding Village VI read: "Residential is the highest and best use of that parcel, and the process and provision set forth in the agreement would maintain and improve the compatibility of land uses at Harbor Bay Isle with existing and future operation and development at the Oakland Airport." He requested that the Planning Board vote to recommend to the City Council that the City would approve the General Plan Amendment and the rezoning.

Board member Lynch pointed out Policy 7.2.j, and requested that Mr. Reedy be specific as it related to the word "shall." He inquired whether Mr. Reedy asserted that there was no discretionary process in which those homes need to be approved. Mr. Reedy replied that he was not making such an assertion, and that it did not mean that they "may" be allowed, but that they are allowable. Board member Lynch inquired whether Mr. Reedy understood that the homes may be built by right; while he could follow the argument, he came to a different conclusion because it had not been clarified. Mr. Reedy replied that the noise compatibility issue would be handled by this policy.

Board member Ezzy Ashcraft observed that this would be dependent on any change in zoning. She inquired about the letter from the Mr. Katzoff, President of the Oakland Board of Port Commissioners (2/21/06), and was surprised when she read the portion of the letter which stated that the FAA reached the same conclusion in determining that allowing residential development on the proposed developmental parcels would not violate the Port's grant assurances: "Moreover, I personally believe that residential is the highest and best use of the parcels, and that the process and provisions set forth in the agreement would maintain and improve the compatibility of land uses at Harbor Bay Isle with existing and future operation and development of the Oakland Airport." She did not think that the personal opinion of the president of the Port Commission would be the same as saying that the Port had already taken a position. She noted that she was curious about the statement, and Googled Mr. Katzoff's name. She found that he was an attorney, and that his firm and his practice had an emphasis on representing real estate owners, developers, contractors, architects and other design professionals. She did not believe that his personal perspective was sufficient to bind the whole Board, and that the attachment to the letter was the Board of Port Commissioners' Resolution 05-280, titled "Resolution Authorizing and Approving an Agreement with Harbor Bay Isle Associates (HBIA) to Neither Object Nor Support Harbor Bay Isle Associates' Application for Approvals from the City of Alameda and Other Regulatory Agencies for Residential Development in a Certain Portion of the Harbor Bay Business Park." She noted that the title was self-sufficient, and added that Mr. Reedy had compiled an exhaustive document, but she did not want the Board to get beyond what the actual document stated explicitly.

President Cook noted that more than five speaker slips had been received.

Vice President Kohlstrand moved to limit the speakers' time to three minutes.

Board member Cunningham seconded the motion, with the following voice vote – 6. Noes: 0 Absent: 0. The motion passed.

The public hearing was opened.

Mr. Mel Grant, owner, SFX Preferred Resorts, 1900 North Loop, spoke in opposition to this project. He expressed concern about the negative impact and financial damage of residential encroachment in Emeryville, and presented a video illustrating the results when incompatible land uses are mixed. He did not believe the project should be approved. He noted that the City had no obligation to change the zoning from commercial to residential as requested by the applicant, but may do so if there were compelling reasons in favor of the City and community. He opposed the additional traffic flow that would be generated on Catalina and the adjoining roads by the additional 104 homes. He did not believe a sound wall would stop the increased operations. He noted that a number of businesses had moved to Alameda because of residential encroachment, particularly from Emeryville and Oakland. He believed that further residential encroachment in Alameda would drive businesses away. He expressed concern that having residents directly across the street would unnecessarily increase his business' liability and risk. He believed this would create a hostile environment, dividing the City's economic hub with its residents. He was very concerned about the good

work done in the business park being reversed by the presence of this development. He noted that staff estimated that these homes would need to sell for at least \$650,000 for the City to break even on its cost to service the new development. He was not convinced the homes would sell for that amount, and believed there may be a major financial deficit that would not favor the City. He did not believe the development would be compatible with the Master Plan and the zoning, would compromise the City's Master Plan for economic growth, would drive future business away, would damage existing investors, and would reduce employment and economy, thus having a negative impact on revenue streams to the City. He believed this plan would only benefit the developer.

President Cook noted that Seth Kostek, Santa Clara Systems, Inc., 2060 North Loop Road, and Clinton Abbott, Allergy Research Group, 2300 North Loop, ceded their time to Mr. Grant.

Ms. Susan Davis, Donsuemor, Inc., 2080 North Loop Road, spoke in opposition to this project. She noted that they relocated to this business park in February 2007 from Emeryville, where they had been for more than 20 years. She had witnessed the intrinsic incompatibilities that came with residential encroachment on businesses, which had been initiated by that city to create a vibrant live-work community. She noted that she had been asked to contribute her ideas to the city's vision, which she noted was very supportive of her business remaining in Emeryville. She noted that in reality, those zoning choices regarding truck routes, business operation hours, loading/unloading areas, and location of idling trucks ultimately led to her business leaving Emeryville. She chose Alameda because of this business park, which provided what her business and employees needed. She noted that Alameda provided a good quality of life for her employees.

Ms. Diane Smahlik, Ettore Products Co., 2100 North Loop Road, spoke in opposition to this project. She noted that this business park was the ideal location for their company and its employees. She believed that Alameda was a wonderful location, but did not believe that putting housing adjacent to manufacturing was a good idea, and that there could be more than 400 people in the neighborhood. She noted that while retail and residential may be able to co-exist, that manufacturing and residential was not a good mix. She was very concerned about the liability regarding the truck traffic, as well as graffiti and theft.

Mr. Brent Salomon, Allergy Research Group, 2300 North Loop Road, spoke in opposition to this project. He noted that they had originally been located in an industrial park in Hayward, but that the area changed in the mid-90s. They left that environment in 2003, arriving in Alameda, which was a very good move for them. He was opposed to the proposed proximity of the residential neighborhood to the manufacturing area. He noted that the CC&R vote was controlled by the developer, and that the businesses did not have a voice in that decision.

Mr. Jim Grimes, Peet's Coffee and Tea, 1400 Park Avenue, Emeryville, spoke in opposition to this project. He noted that Peet's moved into this business park because of what it offered, and he noted that it was a model business park for other communities. He preferred this business park because of its proximity to existing transportation, as well as the presence of

berms and other features. He noted that they had been welcomed by the City, and believed that this area was well-planned. He was concerned about the lack of compatibility between the industrial and residential uses, and believed that the truck noise would create complaints by residents, although they would have moved into the area fully aware of the industrial activities. He noted that at the time the vote of the business community was taken, in which two-thirds of the businesses supported this plan, most of the facilities of the 12 people in the business group had not yet been built or sold. He complimented staff on identifying the key issues, and did not believe this was an appropriate site for a residential community. He suggested that this site would become a good business property.

Mr. Allan Moore, land use attorney representing CLASS, Gagen & McCoy, 279 Front Street, Danville, spoke in opposition to this project. He noted that they had submitted an extensive legal analysis dated June 1, 2007, which was included in the FEIR and the administrative record. He noted that it responded to the request Mr. Hoppen on CLASS' behalf. He noted that he has been a Planning Commissioner for his hometown of Walnut Creek for 11 years. He believed that staff's response was thorough and responsive. He cited the staff report, which unequivocally recommended that this proposed project be denied. He stated that while staff indicated that the EIR could be certified, the significant impacts could not be mitigated and that the proposed General Plan Amendment would not provide any significant benefits to the community. Staff confirmed that the developer had refused to add any affordable housing to the development, and had proposed market rate housing. He did not believe there was any overriding benefit to the community.

Mr. Brian Mulry, attorney representing CLASS, Gagen & McCoy, 279 Front Street, Danville, spoke in opposition to this project. He noted that their arguments were outlined in the letter submitted to the Planning Board.

Mr. Sanford Fidell, 23139 Erwin, Woodland Hills, spoke in opposition to this project. He noted that he had studied the effects of aircraft noise on communities for over 40 years, and had been retained by Gagen & McCoy to review the expert report appended to the applicant's proposal. He found that the report was very narrow and legalistic in its arguments, and its carefully stated conclusions did confirm that the aircraft noise levels at the proposed development site were likely to increase over the years as the airport continued to grow. He added that the most of the aircraft noise exposure could not be mitigated outdoors at all, and that many of the indoor mitigation measures decrease with age, such as tight-fitting doors and windows.

Mr. Red Wetherell, Vice President, CLASS, 28 Cove Road, spoke in opposition to this project. He noted that he was an architect emeritus and a consultant in acoustics and noise control. He described the standard noise procedures, which did not include low-frequency rumble, which was very disturbing to residents. He concurred with staff's assessment that this project was not appropriate for the site, and urged the Planning Board to deny it.

Ms. Barbara Tuleja, co-founder, CLASS, 22 Purcell, spoke in opposition to this project. She noted that allowing these homes to be built would disturb the noise abatement efforts at the airport, and noted that she had worked with the noise abatement officers for over 20 years.

She described the background of their efforts, and urged the Planning Board to deny this application.

Mr. Dave Needle, CLASS, 2981 Northwood Drive, spoke in opposition to this project. He noted that as a resident, he would be negatively affected by this proposed project, and urged denial of the General Plan Amendment. He noted that the adherence to the noise abatement procedures by the pilots would be put in jeopardy by the proposed project.

Mr. Ron Lappa spoke in opposition to this project. He believed the applicant's choice of naming the proposed project Village VI was an attempt to convey that it was part of the existing Harbor Bay Isle community, thereby inferring that this project was a natural extension of the current five villages. He noted that it was not, and that Harbor Bay Isle had built other non-Harbor Bay projects, and never attempted to dub them a village. He was very concerned about the traffic and noise impacts, and did not believe this project was a good fit for this site.

Ms. Janet Kirk, Islandia/CLASS, 3332 Solomon Lane, spoke in opposition to this project. She was very concerned that the traffic from the proposed development would come into her neighborhood.

Mr. Peter Aschwanden, 62 Vista Road, spoke in opposition to this project and noted that he had a business in the business park.

Mr. Jim Henthorne, 3163 Fiji Lane, spoke in opposition to this project. He did not believe this would be a compatible use with the business park, and urged the Board to deny the applicant's request. He would like Harbor Bay Associates to bring more businesses into the park, and leave the residential uses in a more appropriate area.

Ms. Dianne Emery, 3411 Catalina Avenue, spoke in opposition to this project. She read a letter written by her neighbor Betty Crowhurst, which referred to Measure H, into the record:

“Planning Board members, ladies and gentlemen:

It's not their fault. It we who are at fault. We continue to invite families into Alameda, even though our schools are on the brink of bankruptcy. We are facing a parcel tax, even school closures, according to the proponents of Measure H. It is not good planning to generate more crowded classrooms when we can't afford the ones we already have. Since I live on the street that is scheduled to receive all the new traffic, I have strong objection to the plan for the so-called Village VI on that account, also. Apparently, the traffic congestion was measured at Mecartney and Island. The real bottleneck is at Island and Doolittle. It is very congested during commute hours. In the event of an earthquake, we would never be able to get past that horrendous intersection. Adding more traffic reduces still further our chances of escaping a disaster.



Ms. Emery noted that she was opposed to the proposed project, and noted that eight roadways came onto Catalina, and funneled down Island Drive or Holly. She noted that parking would be extremely difficult, especially on the weekends.

Mr. Lee Harris, former CHBI President and former Planning Board President, spoke in opposition to this project. He noted that the staff report and comments had addressed most of the substantive issues that he believed should be addressed. He noted that the greatest problems that have occurred on the Planning Board over the past 20 years involved an intersection between residential and commercial uses. He noted that Alameda needed both businesses and residents, but the closer proximity they had to each other, the greater the problems were. He urged the Planning Board to follow staff's recommendation to deny this project.

Mr. Nick Villa, Secretary, Islandia Homeowners Association, 3231 Santa Cruz Lane, spoke in opposition to this project. He disagreed with the applicant's assertion that the residential values would increase if this project were to be built, and believed it would be a recipe for disaster.

Ms. Elizabeth dos Remedios, President, Islandia Homeowners Association, 1002 Easter Lane, spoke in opposition to this project. She did not believe that having eight streets dumping onto their street would increase their home values. She believed the peaceful nature of their neighborhood would be disturbed.

Mr. Avis Cherepy, 3164 Phoenix Lane, spoke in opposition to this project. He did believe there would be enough tax revenue to support the additional demands on the schools, roads, police, water and sewer services.

Mr. Ed Downing, 37 Clipper Drive, spoke in opposition to this project. He noted that he was a retired airline pilot, and was also Chief Pilot of the Oakland pilot base for Southwest Airlines when he retired in 2004. He believed this project was wrong on many levels, and that it only benefited a small group of people, the developers. As a pilot, he was accustomed to aircraft noise, but did not particularly enjoy it over his home. He and his former company believed that airlines and residential communities could coexist. He did not believe it was wise to develop so many homes in close proximity to one of the busiest runways in America, and he believed it would undermine the CLASS agreement. He noted that it took extra effort and time on the part of both controllers and pilots to comply with noise abatement procedures. He urged the Planning Board to deny this application.

Mr. Jason Detwiler, Islandia Homeowners Association, 3177 Phoenix Lane, spoke in opposition to this project. He noted that the addition of even a few cars could have an exponential effect on a gridlock situation, in terms of time spent at an intersection.

Mr. Michael Scholtes, President, Bay Isle Pointe Homeowners Association, 87 Sable Pointe, spoke in opposition to this project. He noted that as a pilot, he flew out of North Field, and added that the airport was anxious to increase the light jet and turboprop operations out of North Field. He did not want this project to compromise the agreement between the City and

Oakland Airport pilots. He was very concerned about the increased traffic generated by 104 homes, approximately 300-400 additional cars. He urged the Planning Board to deny the application.

Ms. Betty Anderson, Islandia/CLASS, 3204 Fiji Lane, was opposed to this project, and declined to speak.

Mr. Bill Smith noted that the community ran on the investments and taxes of the residents and business owners. He did not believe this project would increase the nearby house values. He suggested a park and ride lot.

Mr. Michael Robles Wong, President, Board for Community of Harbor Bay Isle, representing 20 homeowner associations on Bayfarm Island, with 3,000 houses and 10,000 residents. He spoke in opposition to this project. He was very concerned about the potential increase in noise and air pollution. He noted that the EIR did not address the impact on children. He noted that Earhart, Bayfarm and Lincoln Middle Schools were already at capacity, and that the children of the potential new homeowners would have to be driven to and from school every day. He did not believe this development would raise the value of the homes.

Ms. Reyla Graber spoke in opposition to this project, and believed it was a terrible idea that only benefited the developer. She noted that a General Plan Amendment must promote the general welfare, have an overriding concern in the general public interest, must be equitable and have an overriding consideration that the benefits outweighed the negatives. She believed the negative impacts far outweighed any possible benefits. She was concerned that the existing businesses would be lost.

Mr. Bob Berges spoke in opposition to this project.

Ms. Pat Gannon, 1019 Tobago, spoke in opposition to this project, and agreed with the previous comments that had been made about the project. She believed the project would do a disservice to the Alameda residents.

The public hearing was closed for Board discussion.

In response to an inquiry by Board member Cunningham why the Board was not voting up or down on the EIR, Ms. Mooney replied that the original resolution was changed because there was discussion of the EIR. If the Planning Board were to deny this project, it would be best to keep the project and EIR together from a procedural aspect, rather than approving the EIR without a project. She noted that City Council was the only body with the ability to make the statement of overriding considerations on the EIR.

In response to an inquiry by Board member Cunningham whether this was identified in the Housing Element as a potential housing site, Mr. Thomas replied that it would have no impact on the Housing Element, and that it was not identified as a housing site.

In response to an inquiry by Board member Lynch whether the inclusionary housing ordinance would come into effect, Mr. Thomas replied that normally it would, but not in this case.

Board member McNamara noted that the staff report did not reference Island going all the way through, as well as the eight streets feeding onto Catalina. Mr. Thomas replied that the application before the Board was a General Plan Amendment to change the zoning from business to residential, which was analyzed in the EIR. He described the procedures in determining the street layout and flow.

In response to an inquiry by Board member Lynch whether he cared to move forward on this application, based on what the public and Planning Board had said during the meeting, Mr. Hoppen replied that he intended to go forward with the application.

In response to a question, Mr. Thomas noted that the applicant submitted a fiscal impact study prepared by EPS in 2004. PK Consultants looked at the report, and raised a number of questions, particularly regarding the age of the report. The applicants agreed that the report should be updated. The fundamental difference of opinion between staff and the EPS analysis was the idea that there was no difference in the cost of residential and business use to the General Fund. It was agreed that the residential use would generate higher land values, but they disagreed regarding the cost to service the residential use versus the business use. The report took the position that they were basically the same.

In response to an inquiry by Board member Cunningham whether that assertion was substantiated, Mr. Thomas replied that EPS identified several sources of information, including the Police and Fire Departments. Staff was concerned about the calls that they would receive for Code Enforcement, complaints about businesses, noise and traffic that did not go to the Police Department. He believed this site would generate a lot of calls, and believed that the time and economic resources expended would be significant.

President Cook noted that there would be the cost associated with the loss of opportunity from businesses that may not come to Alameda because it was no longer a desirable environment in which to do business.

Board member Ezzy Ashcraft noted that while the City certainly needed revenues, residences and businesses, this was not an either/or proposition; she believed there should be diversification in the City. She noted that the commercial/light industrial/manufacturing use in the City was very valuable. She disclosed that she met with some business owners from the North Loop Business Association who had spoken during the public hearing the previous week. She noted that this business park had grown and progressed, which was good for Alameda. She noted that Harbor Bay Isle had held this parcel for 20 years, and had trouble selling it. She noted that there were some business parks where the businesses owned their own spaces, and that it was important to support both business and residential uses in the area. She was concerned about the noise issue, and that the mitigation measures included “inoperable or closed windows, as well as mechanical ventilation systems that will meet the Uniform Building Code requirements.” She believed that was a tortured analysis,

and did not believe it would be workable in the event of a power outage. She believed a continually operating mechanical ventilation system would be a drain on energy resources, and that non-operating windows would be a problem in a power outage.

President Cook completely agreed with the staff report. She noted that she had visited preschools in that area at one time, but did not believe it would be a healthy place for housing, given the jet traffic and noise. She believed this area should remain a commercial/industrial use. She noted that this would be a good case study on the necessity of appropriate zoning.

Board member Cunningham concurred with the staff report, and believed that in this case, if you build it, they will not come. He agreed that this demonstrated the importance of zoning, as well as controlling dysfunctional uses coming together.

Vice President Kohlstrand thanked staff and the members of the public, as well as the applicant, who put a great deal of effort into their presentation. She appreciated the respectful manner in which the hearing was conducted. She believed that there was overwhelming opposition in the community, and did not hear one resident speak in support of this item. She believed that it would invite more problems if a residential neighborhood were to be established near the runway. She did not believe the monetary benefits were an issue at all, because the uses were incompatible and that there would be noise complaints, regardless of any signed waiver. She could not support this request for a zoning change.

Board member Lynch concurred with the staff report. He believed this was very poor land use planning, and that it was the applicant's right to come forward with such a request. He would not support this application.

Board member McNamara concurred with the recommendation of the staff report. She believed the tax revenue benefit would disappear after Year 1, and it would be more beneficial to allow the business park to be successful in recruiting and developing the land as it was initially designed. She could not support this application.

Board member Ezzy Ashcraft noted that relocating a business was time-consuming and expensive, and that while there may be a time to make amendments, she did not believe this was that time.

Board member Cunningham moved to adopt the draft Planning Board Resolution to deny the proposed General Plan Amendment and zoning map amendment.

Board member Ezzy Ashcraft seconded the motion, with the following voice vote – 6. Noes: 0 Absent: 0. The motion passed.

Mr. Thomas noted that this decision may be appealed within 10 days.

President Cook called for a five-minute recess.

4. MINUTES:

- a. Minutes for the meeting of March 24, 2008.

President Cook noted that page 7, paragraph 5, should be changed to read, “She was concerned that the *quality of the back yard for the ground floor unit* would be ~~restricted~~ *compromised* because of private decks.”

Board Member Cunningham moved to approve the minutes of March 24, 2008, as amended.

Board member McNamara seconded the motion, with the following voice vote – 5. Noes: 0 Absent: 0 Abstain: 1 (Ezzy Ashcraft). The motion passed.

- b. Minutes for the meeting of April 14, 2008 (pending).

These minutes will be considered at a later meeting.

- c. Minutes for the meeting of April 28, 2008 (pending).

These minutes will be considered at a later meeting.

6. PRESENTATIONS:

- a. Staff Communications – Future Agendas

Mr. Thomas provided an update on future agenda items. He noted that the May 27, 2008, meeting held on Tuesday because of the holiday, would be held at the Mastick Senior Center.

Mr. Thomas noted that the June 9, 2008, meeting would be held in the Library.

- b. Zoning Administrator Report – Meeting of April 15, 2008.

Mr. Thomas noted that the May 6 Zoning Administrator meeting had been canceled.

7. ORAL COMMUNICATION: None.

8. CONSENT CALENDAR:

- 8-A. Appointment of Planning Board Member to the Bicycle Plan Task Force.

No action was taken.

10. WRITTEN COMMUNICATIONS: None.

a. **Transmittal of Draft Pedestrian Plan**

Mr. Thomas noted that the plan would be agendaized for discussion at the next meeting.

11. **BOARD COMMUNICATIONS:**

Board member Cunningham noted that the Climate Protection Task Plan won an award. Ms. Eliason noted that the award of merit from the Northern California Chapter of the American Planning Association was presented for Community Green Building.

Board member Cunningham noted that award was a direct result of staff's hard work.

President Cook noted that she had received several calls from Ms. Grabber regarding the noticing requirements. The Board had discussed the need for noticing greater than 300 feet for the big projects with wide-ranging impact on people.

Mr. Thomas noted that was discussed with City Council when the Esplanade project came forward. The City has committed to notify a larger area for the Harbor Bay/Business Park projects, as well as to ensure that every homeowners association president was noticed of every project. He invited ideas for improving noticing.

Board member Ezzy Ashcraft suggested keeping an up-to-date list of neighborhood, business and other civic organizations that have been interested in planning issues.

Board member Lynch noted that this issue has come forward from time to time, and that in San Francisco, there were agencies that assist with notifying the public, including website and email notification. He noted that some cities are adopting ordinances that expand the notification radius.

President Cook noted that Ms. Graber's concerns included the radius and the timing issue, and that there was often not enough time to get the community apprised of the issue.

Mr. Thomas noted that the notices went out 20 days before the meeting, as adopted by City Council.

Ms. Eliason noted that AP&T no longer wants Planning staff to post notices on their new poles, and that staff now uses A-frame signs.

Mr. Thomas noted that if a resident wished to be on the email list, they would also receive the staff reports.

12. **ADJOURNMENT:** 10:13 p.m.

Respectfully submitted,

Andrew Thomas, Secretary  
City Planning Board

This meeting was audio and video taped.